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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/777,845	02/07/2001	Mark J. Stefik	111325-49	3040
22204	7590	01/26/2006	EXAMINER	
NIXON PEABODY, LLP 401 9TH STREET, NW SUITE 900 WASHINGTON, DC 20004-2128			POINVIL, FRANTZY	
			ART UNIT	PAPER NUMBER
			3628	

DATE MAILED: 01/26/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/777,845

Applicant(s)

STEFIK ET AL.

Examiner

Frantzy Poinvil

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 15-47 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 15-47 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>10/14/05 & 9/27/02</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments filed 11/9/2005 have been fully considered but they are not persuasive.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15, 16, 21-45 and 47 are rejected under 35 U.S.C. 102(b) as being anticipated by Wyman (US Patent No. 5,204,897).

Wyman discloses all the claimed limitations, particularly, a digital right management system (see the abstract) comprising:

A secure container and/or a secure environment; an application programming interface which provides interface between the secure container/environment and a third party software (see column 10, lines 30-58); the secure container or environment processes a request coming from a third party software through the application program interface (column 11, lines 3-30);

The secure container or environment validates signatures of one or more documents to verify that the one or more documents are compatible with the secure container (column 11, line 31 to column 12, line 59);

In the case of compatibility or incompatibility, files or other dynamically linked libraries may or may not be loaded. Applicant is directed to columns 12-14.

The system of Wyman also comprises various rendering engines, communication ports, storages, file systems, structured documents, encryption engines, interface modules with menus and submenus. Applicant is directed to figures 1, 6 and 7 of Wyman.

Applicant has amended the independent claim 15 by changing "container" to "component" :

"application programming interface" to - - interface - -

"third party software application" to - - software application - -

said secure - - component allows operation of said software application - -.

Similar amendments are noted in other dependent claims.

As per this amendment, the Examiner does not find any significant differences, but merely a change in label or in the wordings between the prior claims and the instantly amended claims.

As noted in the applicant's specification specifically, pages 27-30, a secure component may be one of a secure container, a secure environment and a secure repository which may be hardware or software components performing functions of preventing unauthorized access of unauthorized users or distributing privileges of rights to users.

On page 7, last paragraph of the remarks, Applicant has admitted that Wayman discloses:

"a secure container or environment (that) validates signatures of one or more documents to verify that one the one or more documents are compatible with the secure container."

This limitation is noted to be found in claims 15 and 39-43.

As per claims 44, the secure components of Wyman comprise one of a secure container, a secure environment and a secure repository.

As per claim 45, the interface in the system of Wayman comprises an application programming interface.

Claim 47 is inherent in the system of Wayman for avoiding unauthorized access to the system.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 17-20 and 46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wyman (US Patent No. 5,204,897).

The teachings of Wyman are discussed above. Wyman does not explicitly state the rendering engine is connected to a handheld device or to a wireless device. Wyman teaches connecting a rendering engines to various types of output devices. Connecting to a handheld device or to a wireless device would have been obvious to one of ordinary skill in the art to do in

order to provide users with alternate means of requesting and or obtaining documents so as to accommodate most types of clients.

As per claim 46, in the case of verification of compatibility, the secure component initiates loading of one or more dynamically linked libraries (DLL's) is not explicitly stated by Wayman. Using DLL's is well known and practiced in the programming art at the time of the applicant's invention. Dll's are usually files that are can be shared by other programs but are executed when it is needed by a program. It would have been obvious to one of ordinary skill in the art to use Dll's in the system of Wayman and load one or more DLL's in the case of verification of compatibility in order to avoid using too much computer resources and therefore loading a DLL file only when needed.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frantzy Poinvil whose telephone number is (571) 272-6797. The examiner can normally be reached on Monday-Thursday from 7:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sam Sough can be reached on (571) 272-6799. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Frantzy Poinvil
Primary Examiner
Art Unit 3628**

FP
January 19, 2006